

216L.04 APPLICABILITY DETERMINATION.

Subdivision 1. **Generally.** This section may be used to determine: (1) whether a proposal meets the definition of large energy infrastructure facility and is subject to the commission's siting or routing jurisdiction under this chapter; or (2) which review process is applicable at the time of the initial application.

Subd. 2. **Solar, wind, or energy storage facilities.** For solar energy generating systems, large wind energy conversion systems, or energy storage systems, the alternating current nameplate capacity of one solar energy generating system, wind energy conversion system, or energy storage system must be combined with the alternating current nameplate capacity of any other solar energy generating system, wind energy conversion system, or energy storage system that:

(1) is constructed within the same 12-month period; and

(2) exhibits characteristics of being a single development, including but not limited to ownership structure, an umbrella sales arrangement, shared interconnection, revenue-sharing arrangements, and common debt or equity financing.

Subd. 3. **Transmission lines.** For transmission lines, the petitioner must describe the applicability question and provide sufficient facts to support the determination.

Subd. 4. **Forms; assistance; written determination.** (a) The commission must provide forms and assistance to help applicants make a request for an applicability determination.

(b) Upon written request from an applicant, the commission or the commission's designee must provide a written determination regarding applicability under this section. The commission or the commission's designee must provide the written determination within 30 days of the date the request was received or 30 days of the date information that the commission requested from the applicant is received, whichever is later. This written determination constitutes a final decision of the commission.

History: 2024 c 126 art 7 s 4; 2024 c 127 art 43 s 4